

CITY COUNCIL AGENDA MEMORANDUM

SUBJECT

Ordinances relating to the Comprehensive Plan of the City of Bellevue, consistent with the state Growth Management Act (Chapter 36.70A RCW), adopting the City's 2013 amendments to the Comprehensive Plan.

FISCAL IMPACT

The adoption of Comprehensive Plan amendments (CPA) sets City policy. For site-specific CPAs the action does not create a fiscal impact to the City.

STAFF CONTACT

Chris Salomone, PCD Director, 452-6191
Dan Stroh, Planning Director, 452-5255
Paul Inghram, AICP, Comprehensive Planning Manager, 452-4070
Nicholas Matz, AICP, Senior Planner, 452-5371
Planning & Community Development

POLICY CONSIDERATION

Should the City amend the Comprehensive Plan to incorporate amendments resulting from the 2013 Comprehensive Plan Amendment work program, per the Planning Commission recommendations? Two privately-initiated CPAs are on the Council's agenda for final action at tonight's meeting.

The Growth Management Act states that comprehensive plans may be amended no more frequently than once per year (with limited exceptions) so that the cumulative effect of the proposals can be considered. The effect of such review is to keep the plan current and relevant.

BACKGROUND

Planning Commission Chair Diane Tebelius presented the Commission's recommendations to the City Council at Study Session on December 2, 2013. The Council reviewed the details of the Commission **recommended approval** of the:

- Bellevue Apartments CPA (12-132257 AC) to amend the map designation on a 1.84-acre site at 13902 NE 8th Street from O (Office) to Multifamily-High (MF-H); and
- Bel-Kirk Office Park CPA (13-106131 AC) to amend the map designation on a 7.62-acre site at 11100 NE 33rd Place from Light Industrial (LI) to Office (O).

At the December 2 Council study session, Commission Chair Tebelius and staff responded to a number of questions raised by the Council. Staff was directed to return with additional information on three questions raised by Councilmembers regarding the Bellevue Apartments CPA proposal:

1. *What specific Comprehensive Plan policies support the recommendation to adopt the Bellevue Apartments CPA?*

The proposed amendment is consistent with the following specific Comprehensive Plan policies:

Housing Policy HO-17: Encourage infill development on vacant or under-utilized sites that have adequate urban services and ensure that the infill is compatible with the surrounding neighborhoods.

Land Use Policy LU-9: Maintain compatible use and design with the surrounding built environment when considering new development or redevelopment within an already developed area.

Land Use Policy LU-23: Provide, through land use regulation, the potential for a broad range of housing choices to meet the changing needs of the community.

Transportation Goal 2: To reduce the use of single occupant vehicles, by creating a land use pattern that allows for shorter vehicular trips and the use of alternative travel options.

2. *What other MFM-zoned properties exist along the Rapid Ride line on the NE 8th corridor, and do they have similar characteristics to the subject site?*

Of the MF-M (R-20 zoning) designated properties along the Rapid Ride/NE 8th Street corridor, none share identical characteristics to this site, which is an apartment building zoned as office. Moreover, the subject site has a number of other distinguishing features with regard to its ability to support a higher density multifamily designation:

- The affected parcels are not adjacent to single family zoning
- The site is situated at a Rapid Ride “station”
- The site is adjacent to neighborhood services
- The site has potential for infill development that can be accomplished without demolishing existing buildings.

Attachment B is a map of the Rapid Ride corridor along NE 8th Street from 120th Avenue to 156th Avenue, where the route turns in front of Crossroads Shopping Center. There are a significant number of multifamily designated parcels along this corridor, in three areas: clustered around 124th Avenue, between 136th and 148th Avenues, and in the area along 156th Avenue.

Most of these existing multifamily designated parcels abut single family districts. None have the full combination of factors noted above as distinguishing the subject site.

3. *How were public comments considered in the review and hearing?*

Deputy Mayor Robertson asked staff to affirm how the CPA process considers public comment, and specifically to address David Plummer’s December 1 letter that was included in the December 2, 2013, Desk Packet.

As a party of record from the March 2013, Notice of Application, Mr. Plummer submitted comment letters dated May 1 and October 8, 2013. These dates coincide with the Threshold and Final Review public hearings, respectively, and the comment letters were included in the Planning Commission's materials which also included the staff report, notice, SEPA status, and other public comment received including those of the applicant and applicant's agent. Mr. Plummer's previous letters, similar in content with that of the letter dated December 1, discuss a range of issues. These four stood out:

1. The existing Office zoning provides ample opportunity to redevelop;
2. More intense development would add undesirable amounts of traffic to the overloaded NE8th/140th Avenue corridor;
3. This proposal violates Comprehensive Plan housing and land use policies which encourage affordable housing, surrounding-site compatibility, and the provision of open space; and
4. No additional high-density is needed because the City has already rezoned the BelRed corridor.

In addition to his comments, Mr. Plummer inquired about a number of topics through email. These included a concern that his comments had not been received or addressed; that the CPA was subject to insufficient traffic impact analysis; and that he had not received the staff reports and analyses.

Mr. Plummer's comments were considered as part of the staff review and recommendation, and as part of the record when the Planning Commission took action through both Threshold and Final Review. Staff and the Commission acknowledged these comments in the record. As a party of record, Mr. Plummer received notice of the availability of material including staff reports through the conventional use of the online Weekly Permit Bulletin. Then, on October 3, 2013, PCD staff emailed to Mr. Plummer a copy of both 2013 CPA staff recommendations as well as a copy of the Weekly Permit Bulletin text.

Regarding the contention that the property has ample potential to redevelop, the site has always been built as an apartment complex, thus making the Office designation somewhat problematic. The site was developed through a conditional use permit process, and has fully utilized its residential potential under the existing Office designation. It is fully built out under existing zoning.

The City does not require traffic impact analysis (Chapter 22.16 BCC) for Process IV and Process III land use decisions, noting that such analysis triggers when an actual development proposal is made. The SEPA DNS issued for the 2013 CPAs concluded that a multifamily use has a much lower trip generation than any office use; therefore, this request for a CPA from office to multifamily would result in a lower trip generation. Further, this location is well-served with the transportation infrastructure in place at 140th NE and NE 8th Street. The Transportation Department has no concerns with this proposal.

Applicable Comprehensive Plan policies are referenced in the staff report and in other public comment also submitted as part of the record. It is impractical, however, to suggest that additional open space should be provided when the City looked at the potential increase of 8-12 dwelling units on site and concluded through Final Review Decision Criteria that the site could continue to meet all site requirements for setbacks, children's play areas, parking, and open space.

Regarding the availability of housing sites citywide and the contention that additional density is unneeded, it is true that the City has adequate zoned capacity to meet our housing growth targets at other locations, principally in Downtown and Bel-Red. But this does not preclude the opportunity to establish optimal densities at smaller infill locations that may contribute to localized needs, provided that the site supports such density and that it is compatible with the surrounding neighborhood.

Included in tonight's material are new comment letters, dated December 4, 2013, from the owner and agent of the Bellevue Apartments CPA.

Additional Information

Staff also heard that it would be helpful to have additional background information in the Council agenda packet. Accordingly the staff reports and Planning Commission Transmittals for both CPAs are provided as attachments to this memo. Staff will be available at your December 9 meeting to answer any questions.

ADOPTION OF COMPREHENSIVE PLAN AMENDMENTS

To be consistent with past City Council direction, actions on the individual proposals in the 2013 Comprehensive Plan Amendments are to be considered by separate ordinances, plus a general ordinance covering the amending action to the Comprehensive Plan itself. The proposed ordinances for each Comprehensive Plan amendment are included as Attachments B-C. The general ordinance covering amending of the Comprehensive Plan itself is included as Attachment D.

Comprehensive Plan amendments:

1. Ordinance No. 6144 amending the Wilburton/NE 8th Street Subarea Plan map
2. Ordinance No. 6145 amending the North Bellevue Subarea Plan map
3. Ordinance No. 6146 covering the complete 2013 amendments to the Comprehensive Plan (the General Ordinance)

1. EFFECTIVE DATE

Approved Ordinances become effective on December 17, 2013.

OPTIONS

1. Approve Ordinances relating to the Comprehensive Plan of the City of Bellevue, as required by the state Growth Management Act (Chapter 36.70A RCW), adopting the City's 2013 amendments to the Comprehensive Plan.
 - (1) Ordinance No. 6144 amending the Wilburton/NE 8th Street Subarea Plan map (Bellevue Apartments CPA 12-132257 AC – Office to Multifamily-High)
 - (2) Ordinance No. 6145 amending the North Bellevue Subarea Plan map (Bel-Kirk Office Park CPA 13-106131 AC - Light Industrial to Office (O))
 - (3) Ordinance No. 6146 covering the complete 2013 amendments to the Comprehensive Plan (the General Ordinance)
2. Direct staff to modify the proposed amendments pursuant to Council direction and either adopts the amended ordinances or return for action at a subsequent Council meeting.
3. Deny any or all of the proposed amendments.

RECOMMENDATION

Staff recommends Option 1.

MOTIONS

1. Move to approve/deny Ordinance No. 6144, regarding amending the Wilburton/NE 8th St. Subarea Plan to change the map designation for the Bellevue Apartments site from O to MF-H.
2. Move to approve/deny Ordinance No. 6145, regarding amending the North Bellevue Subarea Plan to change the map designation for the Bel-Kirk Office Park site from LI to O.
3. Move to approve/not approve General Ordinance No. 6146, adopting these 2013 amendments into the Comprehensive Plan.

ATTACHMENTS

- A. 2013 Comprehensive Plan amendments Summary Table
- B. Map of Rapid Ride/NE 8th Street corridor
- C. Planning Commission Transmittal for Bellevue Apartments CPA
- D. Planning Commission Transmittal for Bel-Kirk Office Park CPA
- E. PCD Final Review staff report for Bellevue Apartments CPA
- F. PCD Final Review staff report for Bel-Kirk Office Park CPA
- G. Letters from Tsai (owner) and Tovar (agent) for Bellevue Apartments CPA
- H-I. Proposed individual Comprehensive Plan Amendment (CPA) ordinances
- J. General CPA ordinance

AVAILABLE IN COUNCIL OFFICE FOR REVIEW

Files containing the staff reports, SEPA documentation, public notices, public comment, and other background information.

December 5, 2013



**2013 Annual Comprehensive Plan Amendments
Work Program**

<i>CPA number (AC)</i>	Site-specific Proposal <i>Subarea</i>	Planning Commission Final Review Recommendation action <u>October 23, 2013</u>
Bellevue Apartments <i>12-132257 AC</i>	Map change of 1.84 acres from Office (O) to Multifamily-High (MF-H) 13902 NE 8th St <i>Wilburton/NE 8th</i>	6-0 Recommend Approval City Council Regular Session <u>December 9, 2013</u>
Bel-Kirk Office Park <i>13-106131 AC</i>	Map change of 7.26 acres from Light Industrial (LI) to Office (O) 11100 NE 33rd PI <i>North Bellevue</i>	6-0 Recommend Approval City Council Regular Session <u>December 9, 2013</u>

Attachment B

	MF-L	MF-M	MF-H	Low Density, up to 10 units per acre (R-10)	Medium Density, up to 20 units per acre (R-15 & R-20)	High Density, up to 30 units per acre (R-30)	NB	Neighborhood Business	PO	Professional Office	Rapid Ride
								Neighborhood Business		Professional Office	
								Community Business		Office	
								General Business			
											



Planning Commission

TRANSMITTAL

DATE: November 22, 2013

TO: Mayor Lee and Members of the City Council

FROM: Diane Tebelius, Chair
Members of the Bellevue Planning Commission

SUBJECT: Final Review Recommendations for 2013 privately-initiated site-specific Comprehensive Plan Amendments (CPA): Bellevue Apartments (12-132257 AC)

I. RECOMMENDATION

With this Transmittal the Planning Commission recommends by a vote of 6-0 that the City Council:

- APPROVE the Bellevue Apartments site-specific Comprehensive Plan Amendment (CPA) to amend the map designation on this 1.84-acre site at 13902 NE 8th St. from O (Office) to Multifamily-High (MF-H).

This proposal satisfies the Final Review Decision Criteria for a Comprehensive Plan Amendment as set forth in the Land Use Code in Section 20.30I.150. The Planning Commission came to this recommendation through the Final Review steps in the CPA process, and with testimony from CPA sit property owners and in nearby neighborhoods.

The Commission concluded that adding multifamily units to this site is consistent with Comprehensive Plan and other goals and policies of the City for urban growth in the Wilburton/NE 8th St. Subarea. It recognizes that the property is currently designated Office, while developed with apartments. Amending the designation will align the plan designation with the existing use. It will also allow a modest amount of additional units. The amendment will also provide the potential for additional housing choice to meet the changing needs of the community, and reduce the use of single occupant vehicles by creating a land use pattern that allows for shorter vehicular trips and the use of alternative travel options.

The Commission concluded that additional multifamily units would also be in general conformance with Comprehensive Plan policy for the surrounding area because it will encourage infill development on under-utilized sites that have adequate urban services and ensure that the infill is compatible with the surrounding neighborhoods, and that it will maintain compatible use and design with the surrounding built environment when considering new development or redevelopment within an already developed area.

II. BACKGROUND

The City Council directed the application for Final Review following Threshold Review of the privately-initiated Bellevue Apartments Comprehensive Plan Amendment (CPA) on July 8, 2013.

The 39-unit Bellevue Apartments is located at the northwest corner of the intersection of 140th Ave. NE and NE 8th St.

The property was designated as and rezoned to Office in 1981. When the apartments were developed in 1993 a conditional use permit approval was required because residential uses exceed 50 percent of the gross floor area of buildings; design review approval was also required because the site is located within a transition area from single family zoning (although that single family zoning that this site is transitioning from is Puget Sound Energy's Midlakes electrical substation). Design Review also ended up being required by the concomitant Zoning Agreement attached to the 1981 rezone. The agreement was used to assure that site design, storm detention and access issues were addressed.

The allowed density for residential in an office district is 20 units per acre. The Bellevue Apartments were built at that density. The development is in conformance with existing land use regulations.

If the CPA were adopted the site could then be rezoned to allow multifamily redevelopment at a density of up to thirty units per acre (R-30). The effect of what the applicant is seeking is to have the property zoning align with its land use, and then to add density to the existing complex in the form of additional dwelling units. While a rezone would technically allow up to 15 additional units, the applicant has estimated that from 8-12 units could be added.

III. PUBLIC NOTICE AND COMMENT

The application was introduced to the Planning Commission during study session on March 27, 2013. Notice of the Application was published in the Weekly Permit Bulletin and in the Seattle Times on March 7, 2013, and mailed and posted as required by LUC 20.35.420.

Notice of the May 8, 2013 Threshold Review Public Hearing before the Planning Commission was published in the Weekly Permit Bulletin and in the Seattle Times on April 18, 2013.

Notice of the Final Review Public Hearing before the Planning Commission was published in the Weekly Permit Bulletin and in the Seattle Times on October 3, 2013 and included notice sent to parties of record.

Pursuant to the requirements of the Growth Management Act, state agencies must be given 60 days to review and comment on proposed amendments to the Comprehensive Plan. A list of the 2013 amendments to the Bellevue Comprehensive Plan was provided to state agencies on October 4, 2013, for review.

The Planning Commission made its Final Review recommendation on the proposal after considering the staff report recommendation, the proposal application, the record provided, and public testimony submitted in writing or given at the October 23, 2013, public hearing.

The Commission received a written comment objection to the proposal both during Threshold Review and Final Review.

IV. STATE ENVIRONMENTAL POLICY ACT (SEPA)

The Environmental Coordinator of the City of Bellevue issued a Determination of Non-Significance on October 3, 2013.

V. REVIEW PROCESS AND APPLICATION OF DECISION CRITERIA

The Final Review Decision Criteria for a proposed Comprehensive Plan Amendment are set forth in the Land Use Code in Section 20.30I.150. A proposal must meet all of the criteria to be recommended for approval.

This conclusion is based on the following Commission analysis:

A. There exists obvious technical error in the pertinent Comprehensive Plan provision, or

This criterion does not apply.

B1. The proposed amendment is consistent with the Comprehensive Plan and other goals and policies of the city, the Countywide Planning Policies (CPP), the Growth Management Act and other applicable law; and

The Commission found that that the applicant's proposal will help the existing use and expansion remain consistent with the Comprehensive Plan's support for urban growth areas development and housing choices while maintaining compatibility with the surrounding built environment through land use regulation and design review.

The Commission recognized numerous policies identified by the applicant that support the proposal including those identified in the Growth Management Act encouraging urban growth where adequate public facilities and services exist or can be provided in an efficient manner in specific areas, and including those identified in the Countywide Planning Policies consistent with the land use pattern.

B2. The proposed amendment addresses the interests and changed needs of the entire city as identified in its long-range planning and policy documents; and

The proposed amendment addresses the interests and changed needs of the entire city illustrated by the mix of land and transportation uses that have developed over the years within a quarter

mile of this intersection. The Commission notes they include nearly every land use found in the city outside of Downtown. This is an environment able to support facilitating redevelopment (LU-13) while at the same time maintaining compatible use and design (through land use regulatory compliance) with the surrounding built environment when considering redevelopment within an already developed area (LU-9).

Creating opportunities for residents, realizing the extent of built infrastructure, and assuring compatibility with land use regulation suggest that MF-H is an appropriate density.

B3. The proposed amendment addresses significantly changed conditions since the last time the pertinent Comprehensive Plan map or text was amended. See LUC 20.50.046 [below] for the definition of “significantly changed conditions”; and

Significantly changed conditions are defined as: Demonstrating evidence of change such as unanticipated consequences of an adopted policy, or changed conditions on the subject property or its surrounding area, or changes related to the pertinent Plan map or text; where such change has implications of a magnitude that need to be addressed for the Comprehensive Plan to function as an integrated whole. *This definition applies only to Part 20.30I Amendment and Review of the Comprehensive Plan (LUC 20.50.046).*

The proposal does address significantly changed conditions resulting from the unanticipated consequences of adopted policy in the area surrounding and near the subject property: multifamily development emerged as a major residential land use pattern in the area; a number of neighborhood service and convenience uses have been developed within close proximity; and the Rapid Ride “B Line” is on the NE 8th Street arterial.

Comprehensive plan amendment review scrutinizes site-by-site land use changes within the larger community context of the plan. Specifically to Bellevue Apartments, this site is unique in this area. The multifamily use is inconsistent with the office zoning on the site. It was developed under the limitations of this office zoning. While the neighborhood around it has continued to develop with a mix of uses, some of which are very supportive of multifamily, there was never an opportunity for this site to consider a residential density higher than the 20 units per acre office designation allowance. The Commission affirms that a residential use in an exclusively office zone is a significant condition unique amongst the multifamily residential neighborhoods in this area.

B4. If a site-specific proposed amendment, the subject property is suitable for development in general conformance with adjacent land use and the surrounding development pattern, and with zoning standards under the potential zoning classifications; and

The Commission found that the subject property is suitable for development in general conformance with adjacent land use and the surrounding development pattern, and with zoning standards under the potential zoning classifications.

Access requirements, easements, play area requirements (useable open space for outdoor children’s’ play – a requirement for any development with 10 units or more) and dimensional requirements within the still-applicable Transition Area Design District all have to be met.

B5. The proposed amendment demonstrates a public benefit and enhances the public health, safety and welfare of the city.

The Commission finds that the proposal demonstrates a public benefit by aligning with policies for urban growth. Density can be managed efficiently and without impact to the surrounding neighborhoods and infrastructure. It appropriately enhances the public health, safety and welfare of the city and its residents.

VI. CONCLUSION

The Planning Commission recommends by a vote of 6-0 the City Council **approve** the Bellevue Apartments site-specific Comprehensive Plan Amendment (CPA).

VII. ATTACHMENTS

PC-1 Bellevue Apartments site map

Council note: The application file materials, staff recommendation, public comments and other related materials are located in the Council office.



Planning Commission

TRANSMITTAL

DATE: November 22, 2013

TO: Mayor Lee and Members of the City Council

FROM: Diane Tebelius, Chair
Members of the Bellevue Planning Commission

SUBJECT: Final Review Recommendations for 2013 privately-initiated site-specific Comprehensive Plan Amendments (CPA): Bel-Kirk Office Park 13-106131 AC)

I. RECOMMENDATION

With this Transmittal the Planning Commission recommends by a vote of 6-0 that the City Council:

- APPROVE the Bel-Kirk Office Park site-specific Comprehensive Plan Amendment (CPA) to amend the map designation on this 7.62-acre site at 11100 NE 33rd Pl from Light Industrial (LI) to Office (O).

This proposal satisfies the Final Review Decision Criteria for a Comprehensive Plan Amendment as set forth in the Land Use Code in Section 20.30I.150. The Planning Commission came to this recommendation through the Final Review steps in the CPA process, and after hearing testimony from the CPA site's property owners and site building owners.

The Commission concluded that the proposed amendment addresses the interests and changed needs of the entire city, and addresses significantly changed conditions, where the North Bellevue Subarea Plan, adopted in 1983, did not anticipate such changed needs. The area's land use designations and road infrastructure have adapted from an industrial orientation to a developed and existing land use pattern that is predominantly non-industrial. Examples are the choice of existing land uses on site, the proximity of the Kirkland-area transit oriented development (TOD) as an indicator of changing access and land use patterns; and the repurposing of the BNSF rail corridor. The trend in the area, documented by previous comprehensive plan amendment actions, has been to transition the area towards its non-industrial land uses while assuring North Bellevue Plan goals of protecting the predominantly single-family character of the Subarea.

Approving this amendment does not threaten other light industrially-designated land in the area. Comprehensive Plan policies call for careful consideration of changes in the city's light industrial-zoned land base. In this case, the Planning Commission acknowledges staff analysis that the subject site is part of a relatively small and isolated pocket of LI-zoned land, and its

existing use is not for industrial functions. Taken together, this is an appropriate long-term direction for this site.

As part of the Commission's study of this amendment Commissioners asked staff to investigate whether a change from LI to O would result in nonconforming uses, given the types of building uses that are in the building today. The Commission reviewed this use list and concluded that potential nonconformities under the Office designation are not issues.

Light industrial strategy

The Commission affirms this Comprehensive Plan amendment recommendation for this site. However, the Commission would also like to convey to Council an interest in examining the need for an evolving strategy regarding the city's light industrial zoning. Policies guiding the implementation of this issue have been consistent over the years through efforts such as the 1983 North Bellevue Subarea Plan adoption, the 2002 Boeing computer site comprehensive plan adoption in Eastgate (LI to OLB-OS), the 2009 BelRed comprehensive plan adoption, and the 2010-2012 Eastgate Land Use and Transportation work program (including LI areas in Richards Valley). The Commission believes that opportunities exist for this strategy in the Eastgate Land Use and Transportation Plan implementation effort and the 2014 Comprehensive Plan update.

II. BACKGROUND

The City Council directed the application for Final Review following Threshold Review of the privately-initiated Bel-Kirk Office Park Comprehensive Plan Amendment (CPA) on July 8, 2013.

This site is developed with an existing two-building complex located between NE 33rd Pl and the former BNSF rail right-of-way, and more generally between SR 520 and I-405, approximately 4/10ths of a mile northwest of the intersection of those highways.

This specific site was the Bel-Kirk drive-in movie theatre from approximately 1965 to 1985. The existing building was constructed in 1988. The type of construction and internal spaces suggest that over time, offices that mostly occupy the space now will continue to do so.

III. PUBLIC NOTICE AND COMMENT

The application was introduced to the Planning Commission during study session on March 27, 2013. Notice of the Application was published in the Weekly Permit Bulletin and in the Seattle Times on March 7, 2013, and mailed and posted as required by LUC 20.35.420.

Notice of the May 8, 2013 Threshold Review Public Hearing before the Planning Commission was published in the Weekly Permit Bulletin and in the Seattle Times on April 18, 2013.

Notice of the Final Review Public Hearing before the Planning Commission was published in the Weekly Permit Bulletin and in the Seattle Times on October 3, 2013 and included notice sent to parties of record.

Pursuant to the requirements of the Growth Management Act, state agencies must be given 60 days to review and comment on proposed amendments to the Comprehensive Plan. A list of the 2013 amendments to the Bellevue Comprehensive Plan was provided to state agencies on October 4, 2013, for review.

The Planning Commission made its Final Review recommendation on the proposal after considering the staff report recommendation, the proposal application, the record provided, and public testimony submitted in writing or given at the October 23, 2013, public hearing.

The Commission received written comment objections to the proposal both during Threshold Review and Final Review.

IV. STATE ENVIRONMENTAL POLICY ACT (SEPA)

The Environmental Coordinator of the City of Bellevue issued a Determination of Non-Significance on October 3, 2013.

V. REVIEW PROCESS AND APPLICATION OF DECISION CRITERIA

The Final Review Decision Criteria for a proposed Comprehensive Plan Amendment are set forth in the Land Use Code in Section 20.30I.150. A proposal must meet all of the criteria to be recommended for approval.

This conclusion is based on the following Commission analysis:

A. There exists obvious technical error in the pertinent Comprehensive Plan provision, or

This criterion does not apply.

B1. The proposed amendment is consistent with the Comprehensive Plan and other goals and policies of the city, the Countywide Planning Policies (CPP), the Growth Management Act and other applicable law; and

The Commission found that the proposed amendment is consistent with the Comprehensive Plan and other goals and policies of the City for urban growth. The proposal is also consistent with Growth Management Act and Countywide Planning Policies planning goals encouraging urban growth where adequate public facilities and services exist or can be provided in an efficient manner in specific areas.

This application makes sense for this site. The Commission found the staff recommendation compatible with overall policy guidance because it is consistent with North Bellevue Subarea goals for the area and its surrounding changes.

B2. The proposed amendment addresses the interests and changed needs of the entire city as identified in its long-range planning and policy documents; and

The Commission concluded that the proposed amendment addresses the interests and changed needs of the entire city. The area's land use designations and road infrastructure have adapted from an industrial orientation to a developed and existing land use pattern that is predominantly non-industrial. This is partly due to the changed condition of the BNSF railroad terminating operations through this corridor. The trend in the area, documented by previous comprehensive plan amendment actions, has been to transition the area towards its non-industrial land uses while assuring North Bellevue Plan goals of protecting the predominantly single-family character of the Subarea.

Approving this amendment does not threaten other light industrially-designated land in the area. Comprehensive Plan policies call for careful consideration of changes in the city's light industrial-zoned land base. In this case, the Planning Commission acknowledges staff analysis that the subject site is part of a relatively small and isolated pocket of LI-zoned land, and its existing use is not for industrial functions. Taken together, this is an appropriate long-term direction for this site.

B3. The proposed amendment addresses significantly changed conditions since the last time the pertinent Comprehensive Plan map or text was amended. See LUC 20.50.046 [below] for the definition of "significantly changed conditions"; and

Significantly changed conditions are defined as: Demonstrating evidence of change such as unanticipated consequences of an adopted policy, or changed conditions on the subject property or its surrounding area, or changes related to the pertinent Plan map or text; where such change has implications of a magnitude that need to be addressed for the Comprehensive Plan to function as an integrated whole. This definition applies only to Part 20.30I Amendment and Review of the Comprehensive Plan (LUC 20.50.046).

The Commission concluded that the proposed amendment would address significantly changed conditions. The North Bellevue Subarea Plan has not anticipated the area's land use designations and road infrastructure adapting from an industrial orientation to a developed and existing land use pattern that is predominantly non-industrial. Examples are the proximity of the Kirkland transit-oriented-development site as an indicator of changing access and land use patterns; and the repurposing of the BNSF rail corridor.

B4. If a site-specific proposed amendment, the subject property is suitable for development in general conformance with adjacent land use and the surrounding development pattern, and with zoning standards under the potential zoning classifications; and

The subject property is suitable for development in general conformance with adjacent land use and the surrounding development pattern, and with zoning standards under the potential zoning

classifications.

Bellevue's zoning code primarily intends office districts (LUC 20.10.260) to provide areas for business, financial and professional services. The code expects to find such uses in areas located on arterial or commercial access streets. When they are near other major business and commercial areas, these districts may buffer residential areas from more intensive commercial districts.

Light industrial (20.10.330) zones, in contrast, provide for the location of a broad array of manufacturing, wholesale trade and distribution activities. Offices are allowed if they support the primary activities or functions of the light industrial district.

As part of the Commission's study of this amendment Commissioners asked staff to investigate whether a change from Light Industrial to Office would result in nonconforming uses, given the types of building uses that are in the building today. The list of uses provided to the Commission in the staff report reflect the issues inherent in the Commission recommendation—changed needs of the entire city, significantly changed conditions, and the long-term direction of light industrial.

B5. The proposed amendment demonstrates a public benefit and enhances the public health, safety and welfare of the city.

The proposal demonstrates a public benefit by clarifying the relationship between this site's designation and its evolving use. It enhances the buffering function the site performs between residential to the northeast and non-residential to the southwest. It positions office uses and their workers within walking distance of future non-motorized use of the BNSF right-of-way and connections to the Kirkland TOD site. It therefore enhances the public health, safety and welfare of Bellevue and its residents.

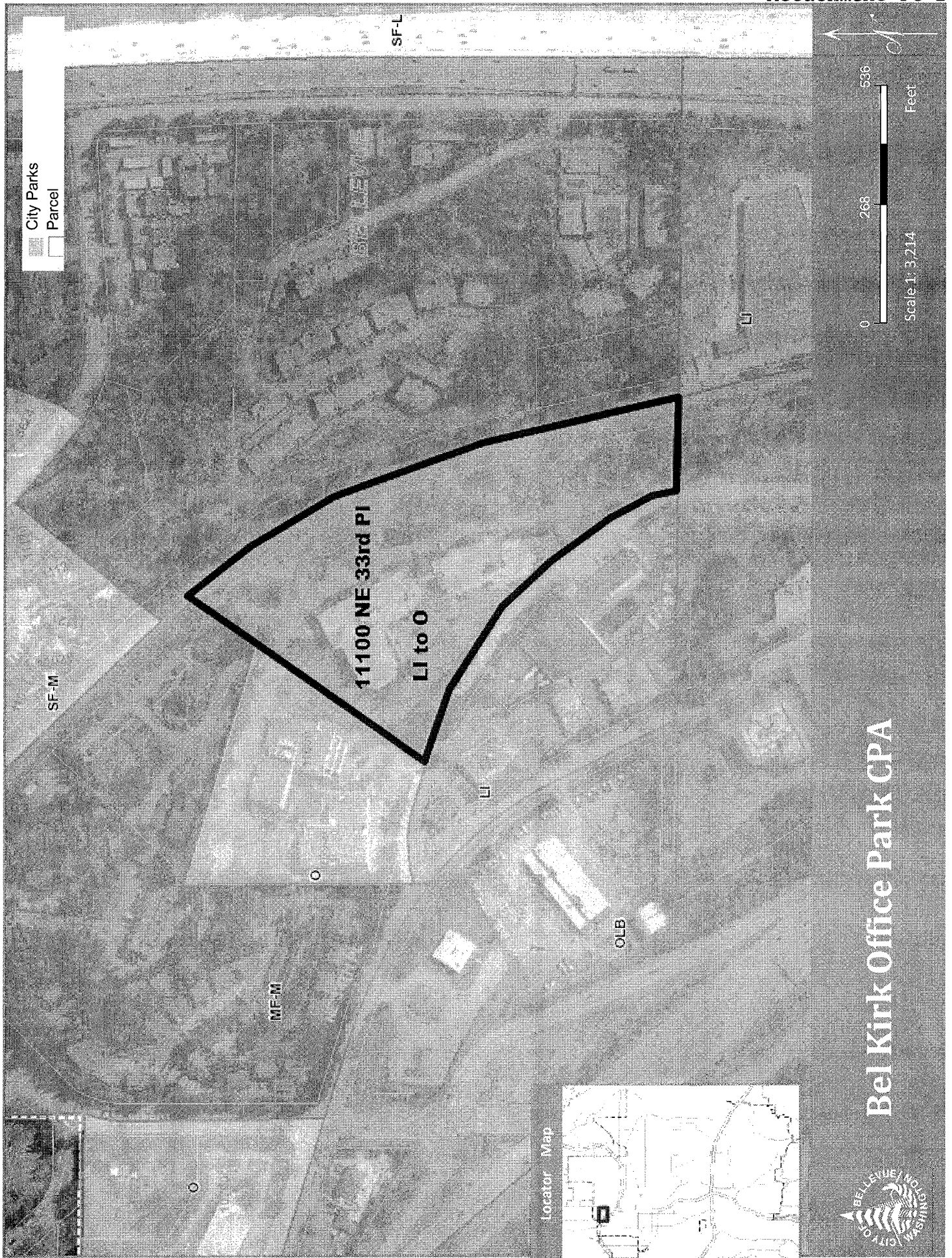
VI. CONCLUSION

The Planning Commission recommends by a vote of 6-0 the City Council **approve** the Bel-Kirk Office Park site-specific Comprehensive Plan Amendment (CPA).

VII. ATTACHMENTS

PC-2 Bel-Kirk Office Park site map

Council note: The application file materials, staff recommendation, public comments and other related materials are located in the Council office.



Bel Kirk Office Park CPA

City of
Bellevue



2013 Comprehensive Plan Amendments

Post Office Box 90012 • Bellevue, Washington • 98009 9012

Planning Staff Report

DATE: October 4, 2013

TO: Chair Tebelius
Bellevue Planning Commission

FROM: Nicholas Matz AICP, Senior Planner 452-5371
nmatz@bellevuewa.gov

SUBJECT: Bellevue Apartments Comprehensive Plan Amendment (12-132257 AC)
October 23, 2013, Final Review Public Hearing (LUC 20.301A.1.b)

I. PROPOSAL

This privately-initiated site-specific application would amend the map designation on a 1.84-acre site from O (Office) to Multifamily-High (MF-H). See Attachment 1 for a location map. The site was not recommended for geographic expansion.

Permit Number: 12 132257 AC
Subarea: Wilburton/NE 8th St.
Address: 13902 NE 8th St.
Applicant: Tsai LLC

II. STAFF RECOMMENDATION

This proposal satisfies the Decision Criteria for a Comprehensive Plan Amendment and **staff recommends approval of the Comprehensive Plan Amendment to:**

- Amend the map designation on a 1.84-acre site from O (Office) to Multifamily-High (MF-H).

III. BACKGROUND

The City Council directed the application for Final Review following Threshold Review of the privately-initiated Bellevue Apartments Comprehensive Plan Amendment (CPA) on July 8, 2013.

The 39-unit Bellevue Apartments is located at the northwest corner of the intersection of 140th Ave. NE and NE 8th St.

The property was designated as and rezoned to Office in 1981. When the apartments were developed in 1993 a conditional use permit approval was required because residential uses exceed 50 percent of the gross floor area of buildings; design review approval was also required because the site is located within a transition area from single family zoning (although that single family zoning that this site is transitioning from is Puget Sound Energy's Midlakes electrical substation). Design Review also ended up being required by the concomitant Zoning Agreement attached to the 1981 rezone. The agreement was used to assure that site design, storm detention and access issues were addressed.

The allowed density for residential in an office district is 20 units per acre. The Bellevue Apartments were built at that density. The development is in conformance with existing land use regulations.

If the CPA were adopted the site could then be rezoned to allow multifamily redevelopment at a density of up to thirty units per acre (R-30). The effect of what the applicant is seeking is to have the property zoning align with its land use, and then to add density to the existing complex in the form of additional dwelling units. While a rezone would technically allow up to 15 additional units, the applicant has estimated that from 8-12 units could be added.

IV. DECISION CRITERIA

The Decision Criteria for a Comprehensive Plan Amendment are set forth in the Land Use Code, Section 20.30I.150. Based on the criteria, Department of Planning and Community Development staff recommends **approval** of the proposed amendment. This conclusion is based on the following analysis:

A. There exists obvious technical error in the pertinent Comprehensive Plan provision, or

Not applicable to this proposal.

B1. The proposed amendment is consistent with the Comprehensive Plan and other goals and policies of the city, the Countywide Planning Policies (CPP), the Growth Management Act and other applicable law; and

The proposed amendment is consistent with the Comprehensive Plan and other goals and policies of the City for urban growth areas development in the Wilburton/NE 8th St. corridor and subarea. These include:

Housing Policy HO-17: Encourage infill development on vacant or under-utilized sites that have adequate urban services and ensure that the infill is compatible with the surrounding neighborhoods.

Land Use Policy LU-9: Maintain compatible use and design with the surrounding built environment when considering new development or redevelopment within an already developed area.

Land Use Policy LU-23: Provide, through land use regulation, the potential for a broad range of housing choices to meet the changing needs of the community.

Transportation Goal 2: To reduce the use of single occupant vehicles, by creating a land use pattern that allows for shorter vehicular trips and the use of alternative travel options.

Growth Management Act

The proposal is consistent with GMA planning goals encouraging urban growth where adequate public facilities and services exist or can be provided in an efficient manner in specific areas, by reducing the inappropriate conversion of undeveloped land into sprawling, low-density development, and by ensuring that those public facilities and services necessary to support development are adequate to serve the development at the time development is available for occupancy and use without decreasing current service levels below Bellevue standards.

Countywide Planning Policies

The Comprehensive Plan is consistent with the framework Countywide Planning Policies (CPP) for King County including critical areas, land use pattern, transportation, community character and open space, and contiguous and orderly development.

B2. The proposed amendment addresses the interests and changed needs of the entire city as identified in its long-range planning and policy documents; and

The proposed amendment addresses the interests and changed needs of the entire city. At Threshold Review the city concluded that it was valid to question the density realized through the unique condition of this site's development under Office zoning. Final Review would then review the appropriate density for this site in light of the neighborhood that has developed in this part of the Wilburton Subarea since. The Office zoning was intended as a limit on overall density because of the then lack of neighborhood infrastructure to support higher multifamily densities.

This criterion is illustrated by reviewing the mix of land and transportation uses that have developed over the years within a quarter mile of this intersection include nearly every land use found in the city outside of Downtown. This is an environment rich in the ability to support facilitating redevelopment (LU-13) while at the same time maintaining compatible use and design (through land use regulatory compliance) with the surrounding built environment when considering redevelopment within an already developed area (LU-9):

- *There are two- and three-story office and professional office buildings to the north, west, east and south.*
- *There are multifamily neighborhoods at medium (20 units/acre) and high (30 units/acre) densities to the west, northwest and north, and across NE 8th St. to the southwest.*
- *Farther east along NE 8th St. are additional two- and four-unit complexes, themselves located between Stevenson Elementary School and Odle Middle School.*
- *Odle shares ground with the recreational Bellevue Aquatic Center.*
- *A gas station, convenience store and car wash community business is across 140th St.*
- *A Walgreens drug store neighborhood business is across NE 8th St. The store is next to a church.*
- *Southeast from the Bellevue Apartments is Puget Sound Energy's Midlakes electrical substation.*
- *The intersection—a "designated" intersection in the Urban Design Element—was rebuilt to enhance pedestrian safety and now provides access to the Rapid Ride stops on either side of 140th Ave. NE at NE 8th St. Designated intersections encourage special streetscape design that create entry points into the city or neighborhoods or that warrant enhanced pedestrian features.*
- *On the outer edge of the walkable quarter-mile are single family neighborhoods at 2.5 and 3.5 houses per acre.*

Creating opportunities for residents, realizing the extent of built infrastructure, and assuring compatibility with land use regulation suggest that MF-H is an appropriate density.

B3. The proposed amendment addresses significantly changed conditions since the last time the pertinent Comprehensive Plan map or text was amended. See LUC 20.50.046 [below] for the definition of "significantly changed conditions"; and

Significantly changed conditions are defined as: Demonstrating evidence of change such as unanticipated consequences of an adopted policy, or changed conditions on the subject property or its surrounding area, or changes related to the pertinent Plan map or text; where

such change has implications of a magnitude that need to be addressed for the Comprehensive Plan to function as an integrated whole. *This definition applies only to Part 20.30I Amendment and Review of the Comprehensive Plan (LUC 20.50.046).*

The proposal does address significantly changed conditions resulting from the unanticipated consequences of adopted policy in the area surrounding and near the subject property:

- *Higher density multifamily development has emerged as a major residential land use pattern in the area, even on this site which was zoned for Office (and also allowed residential as a conditional use);*
- *A number of neighborhood service and convenience uses have been developed within close proximity; e.g. the Walgreen's pharmacy built across NE 8th Street from the site, following a 2001 Comprehensive Plan amendment;*
- *The new King County "Rapid Ride B Line" has been established on the NE 8th Street arterial abutting this site, providing a greatly enhanced form of transit (bus rapid transit) serving this location;*
- *The City's adoption of GMA-era design standards and administrative design review process, now applicable to this site.*

Comprehensive plan amendment review scrutinizes site-by-site land use changes within the larger community context of the plan. Specifically to Bellevue Apartments, this site is unique in this area. The multifamily use is inconsistent with the office zoning on the site. It was developed under the limitations of this office zoning. While the neighborhood around it has continued to develop with a mix of uses, some of which are very supportive of multifamily, there was never an opportunity for this site to consider a residential density higher than the 20 units per acre office designation allowance. A residential use in an exclusively office zone is a significant condition unique amongst the multifamily residential neighborhoods in this area.

B4. If a site-specific proposed amendment, the subject property is suitable for development in general conformance with adjacent land use and the surrounding development pattern, and with zoning standards under the potential zoning classifications; and

The subject property is suitable for development in general conformance with adjacent land use and the surrounding development pattern, and with zoning standards under the potential zoning classifications.

There are 39 existing units in one building on this site, along with covered and uncovered surface parking. While a rezone would technically allow up to 15 additional units, the applicant has estimated that from 8-12 units could be added under existing regulations.

Access requirements, easements, play area requirements (useable open space for outdoor children's play – a requirement for any development with 10 units or more) and dimensional requirements within the still-applicable Transition Area Design District all have to be met.

A multifamily use has a lower peak hour trip generation than office uses for the p.m. peak period, therefore, this request would result in a lower trip generation during that critical peak time of day than site office redevelopment. Further, this location is well-served with the transportation infrastructure in place at 140th NE and NE 8th Street. The Transportation Department has no concerns with this proposal.

B5. The proposed amendment demonstrates a public benefit and enhances the public health, safety and welfare of the city.

The proposal demonstrates a public benefit by aligning with policies for urban growth areas redevelopment such as those found in the Land Use Element and referenced in this report. Density can be managed efficiently and without impact to the surrounding neighborhoods and infrastructure. It then appropriately enhances the public health, safety and welfare of the city and its residents.

V. STATE ENVIRONMENTAL POLICY ACT

The Environmental Coordinator for the City of Bellevue has determined that this proposal will not result in any probable, significant adverse environmental impacts. A final threshold determination of non-significance (DNS) was issued on October 3, 2013.

VI. PUBLIC NOTICE AND COMMENT

Notice of the Application was published in the Weekly Permit Bulletin and in the Seattle Times on March 7, 2013. Notice of the Public Hearing before the Planning Commission was published in the Weekly Permit Bulletin and in the Seattle Times on October 3, 2013.

Pursuant to the requirements of the Growth Management Act, state agencies must be given 60 days to review and comment on proposed amendments to the Comprehensive Plan. A list of the 2013 amendments to the Bellevue Comprehensive Plan was provided to state agencies on October 4, 2013, for review.

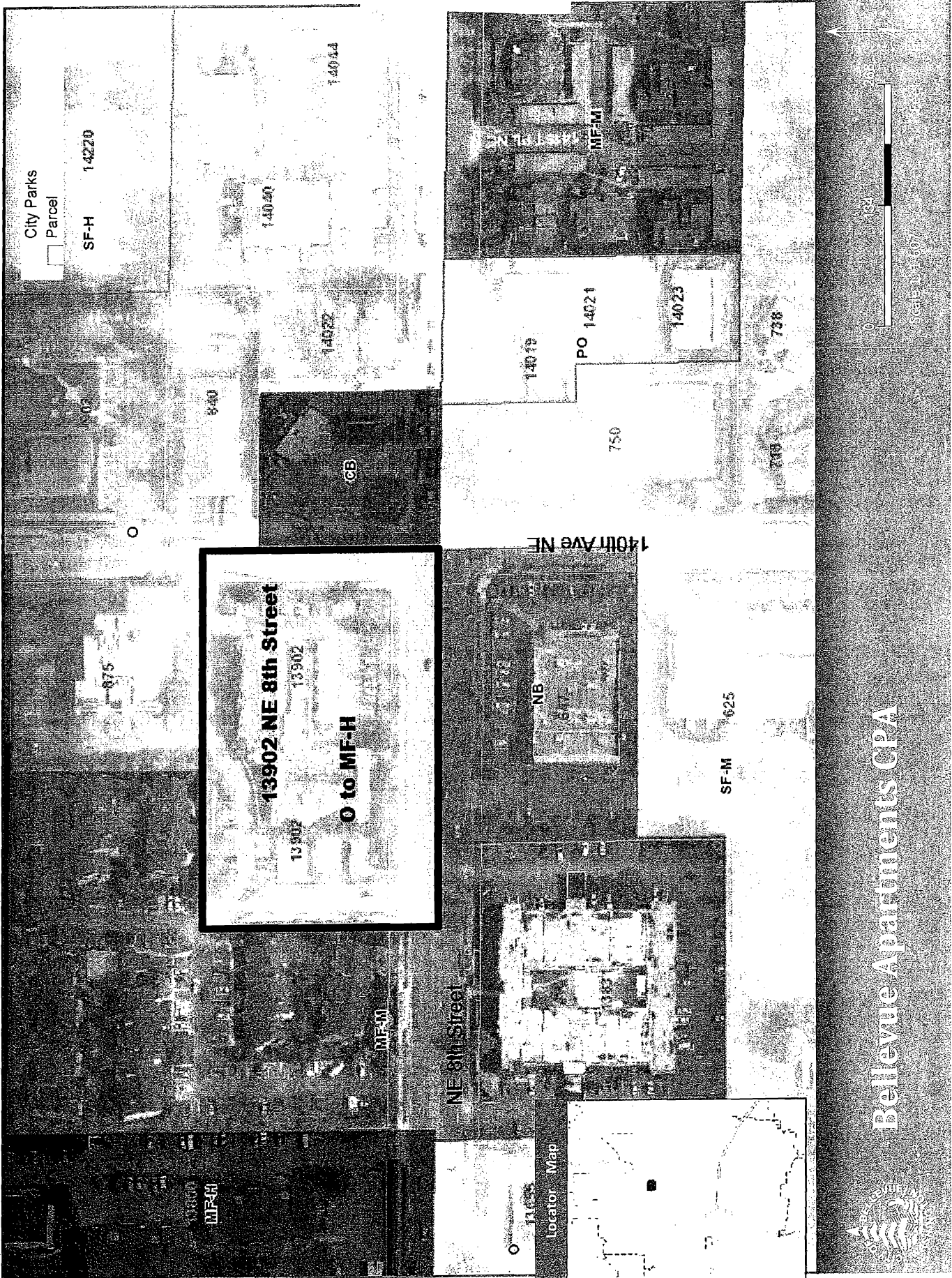
VII. NEXT STEPS

We request you conduct and close the public hearing, discuss the proposal, ask questions of staff, and make a recommendation.

VIII. ATTACHMENTS

1. Location map
2. Final Review Decision Criteria
3. Wilburton/NE 8th St. Subarea

Attachment 1



ATTACHMENT 2

20.30I.150 Final review decision criteria

The Planning Commission may recommend and the City Council may adopt or adopt with modifications an amendment to the Comprehensive Plan if:

A. There exists obvious technical error in the pertinent Comprehensive Plan provision; or

B. The following criteria have been met:

1. The proposed amendment is consistent with the Comprehensive Plan and other goals and policies of the City, the Countywide Planning Policies, the Growth Management Act and other applicable law; and
2. The proposed amendment addresses the interests and changed needs of the entire City as identified in its long-range planning and policy documents; and
3. The proposed amendment addresses significantly changed conditions since the last time the pertinent Comprehensive Plan map or text was amended. See LUC 20.50.046 for the definition of "Significantly Changed Conditions;" and

Significantly Changed Conditions Demonstrating evidence of change such as unanticipated consequences of an adopted policy, or changed conditions on the subject property or its surrounding area, or changes related to the pertinent plan map or text; where such change has implications of a magnitude that need to be addressed for the Comprehensive Plan to function as an integrated whole. This definition applies only to Part 20.30I LUC, Amendment and Review of the Comprehensive Plan.

4. If a site-specific proposed amendment, the subject property is suitable for development in general conformance with adjacent land use and the surrounding development pattern, and with zoning standards under the potential zoning classifications; and
5. The proposed amendment demonstrates a public benefit and enhances the public health, safety and welfare of the City.

(Ord. 5650, 1-3-06, § 2)

Attachment 3

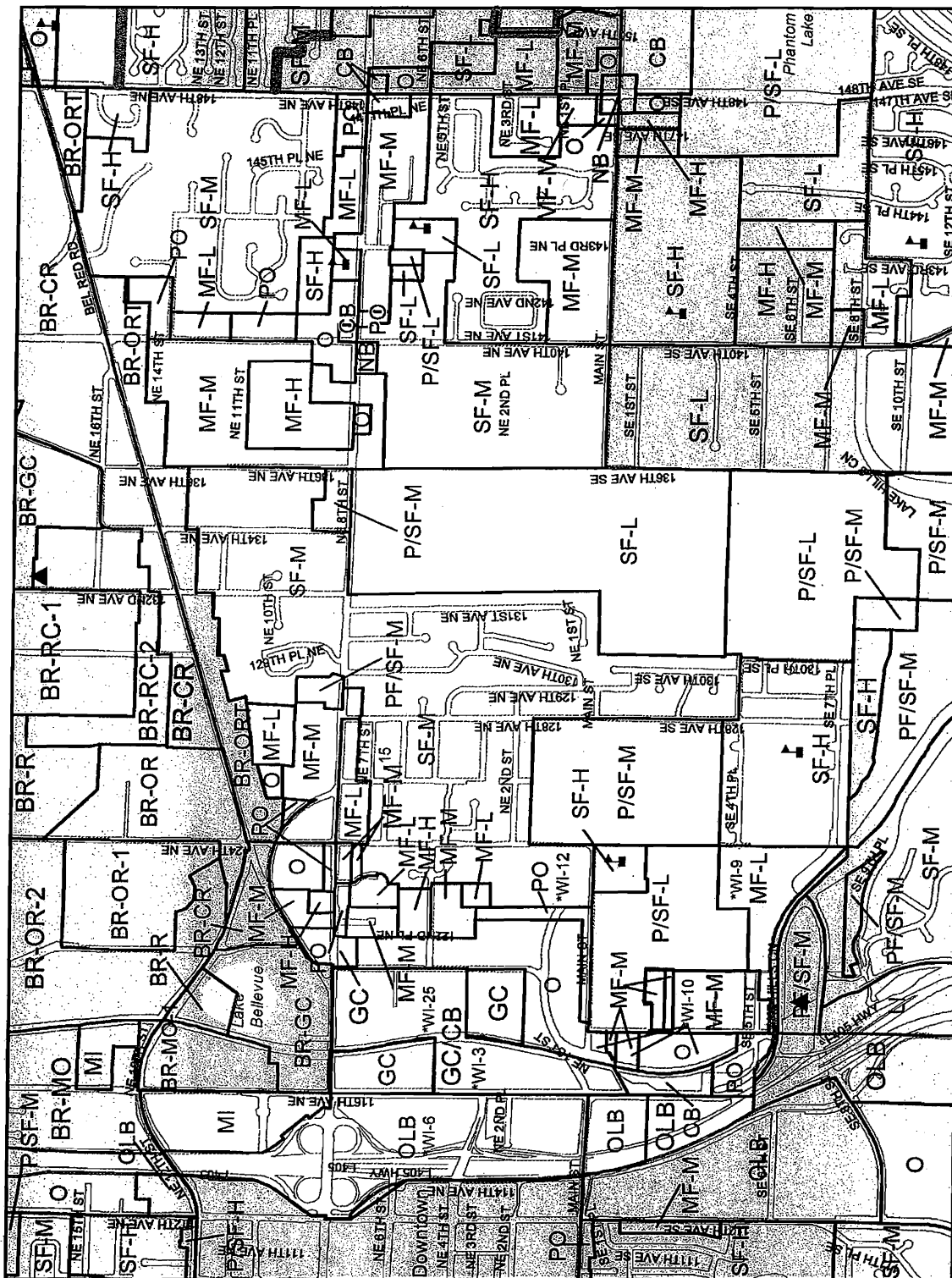


FIGURE S-WI.1
Wilburton/NE 8th Land Use Plan

SF Single Family
MF Multi Family
-L Low Density
-M Medium Density
-H High Density
-UR Urban Residential

PO Professional Office
O Office
OLB Office, Limited Business
OLB-OS Office, Open Space
NB Neighborhood Business
CB Community Business

GC General Commercial
LI Light Industrial
PF Public Facility
P Park

¹⁵R-15 density limit

▲ Fire Stations
● Public Schools
■ Planning Districts
— Bellevue City Limits (2008)
○ Lakes

City of Bellevue



2013 Comprehensive Plan Amendments

Post Office Box 90012 • Bellevue, Washington • 98009 9012

Planning Staff Report

DATE: October 4, 2013

TO: Chair Tebelius
Bellevue Planning Commission

FROM: Nicholas Matz, Senior Planner 452-5371
nmatz@bellevuewa.gov

SUBJECT: Bel-Kirk Office Park Comprehensive Plan Amendment (13-106131 AC)
October 23, 2013, Final Review Public Hearing (LUC 20.30I.A.1.b)

I. PROPOSAL

This privately-initiated site-specific application would amend the map designation on a 7.62-acre site from Light Industrial (LI) to Office (O). See Attachment 1 for a location map. The application was not recommended for geographic expansion.

Permit Number: 13 106131 AC
Subarea: Northwest Bellevue
Address: 11100 NE 33rd Pl
Applicant: Seelig-Burns

II. STAFF RECOMMENDATION

This proposal satisfies the Decision Criteria for a Comprehensive Plan Amendment and **staff recommends approval of the Comprehensive Plan Amendment to:**

- Amend the map designation on a 7.62-acre site from Light Industrial (LI) to Office (O).

III. BACKGROUND

The City Council directed the application for Final Review following Threshold Review of the privately-initiated Bel-Kirk Office Park Comprehensive Plan Amendment (CPA) on July 8, 2013.

This site is developed with an existing two-building complex located between NE 33rd Pl and the former BNSF rail right-of-way, and more generally between SR 520 and I-405, approximately 4/10ths of a mile northwest of the intersection of those highways.

During the threshold review commissioners asked about the impacts of a comprehensive plan change to zoning for existing uses. In other words, would a change from LI to Office result in nonconforming uses?

Bellevue's zoning code primarily intends office districts (LUC 20.10.260) to provide areas for business, financial and professional services. The code expects to find such uses in areas located on arterial or commercial access streets. When they are near other major business and commercial areas, these districts may buffer residential areas from more intensive commercial districts.

Light industrial (20.10.330) zones, in contrast, provide for the location of a broad array of manufacturing, wholesale trade and distribution activities. Offices are allowed if they support the primary activities or functions of the light industrial district.

The LI designations in this area likely occurred in large measure due to the confluence of road and rail access. This specific site was the Bel-Kirk drive-in movie theatre from approximately 1965 to 1985. The existing building was constructed in 1988. The type of construction and the presence of some warehouse space in it suggest that various light industrial and ancillary uses, including office uses, have occupied the interior space over its lifetime.

Comparing the building's existing known uses to the non-residential Services section of the Land Use Code at 20.10.440, staff concludes that for existing known uses a change to Office would not create any nonconformity. These known uses are all allowed in Office zones.

Existing Bel-Kirk Office Park uses

Staff is aware of the following uses within this building complex:

- Certified public accountant - *Professional Services, Other – Permitted in LI if in multi-function* building, Permitted in O*
- Construction company offices - *Professional Services, Other – Permitted in LI if in multi-function* building, Permitted in O*
- Multi-business lines including software sales, training, and product consulting - *Administrative Office – General: Permitted in LI if in multi-function building, Permitted in O*
- Community and non-retail banking - *Finance – Must be commercially or industrially related in LI, Permitted in O*
- Engineering, investment advising and professional consulting - *Professional Services, Other – Permitted in LI if in multi-function building, Permitted in O*
- Business law - *Professional Services, Other – Permitted in LI if in multi-function building, Permitted in O*
- 3D mechanical design, simulation, publishing and data management software products - *Administrative Office – General: Permitted in LI if in multi-function building, Permitted in O*
- Producer and manufacturer of innovative nonfiction books for adults and book and toy products for kids - *Administrative Office – General: Permitted in LI if in multi-function building, Permitted in O*

* Footnote 5 to the chart of allowed Service Uses (LUC 20.10.440) stipulates that “these uses are permitted in LI Districts only if located in a multi-function building or complex.”

IV. DECISION CRITERIA

The Decision Criteria for a Comprehensive Plan Amendment are set forth in the Land Use Code, Section 20.30I.150. Based on the criteria, Department of Planning and Community Development staff recommends **approval** of the proposed amendment. This conclusion is based on the following analysis:

A. There exists obvious technical error in the pertinent Comprehensive Plan provision, or

Not applicable to this proposal.

- B1. The proposed amendment is consistent with the Comprehensive Plan and other goals and policies of the city, the Countywide Planning Policies (CPP), the Growth Management Act and other applicable law; and**

The proposed amendment is consistent with the Comprehensive Plan and other goals and policies of the City for urban growth areas redevelopment, including:

Land Use Policy LU-34: Explore the appropriate long-term direction for the location of light industrial businesses such as light manufacturing and warehousing.

Land Use Policy LU-36: Encourage continued development of office uses in designated districts.

The Land Use Goal for the North Bellevue Subarea seeks to provide for land use which protects the predominantly single-family character of the subarea from encroachment by other uses. Policy supports scaling down multifamily and office development as it approaches the single-family areas so as to create an appropriate transition. This amendment contributes to that direction.

Growth Management Act

The proposal is consistent with GMA planning goals encouraging urban growth where adequate public facilities and services exist or can be provided in an efficient manner in specific areas, and by ensuring that those public facilities and services necessary to support development are adequate to serve the development at the time development is available for occupancy and use without decreasing current service levels below Bellevue standards.

Countywide Planning Policies

The Comprehensive Plan is consistent with the framework Countywide Planning Policies (CPP) for King County including critical areas, land use pattern, transportation, community character and open space, and contiguous and orderly development.

- B2. The proposed amendment addresses the interests and changed needs of the entire city as identified in its long-range planning and policy documents; and**

The proposed amendment addresses the interests and changed needs of the entire city. The area's land use designations and road infrastructure have adapted from an industrial orientation to a developed and existing land use pattern that is predominantly non-industrial. This is partly due to the changed condition of the BNSF railroad terminating operations through this corridor. The trend in the area, documented by previous comprehensive plan amendment actions, has been to transition the area towards its non-industrial land uses. Comprehensive Plan policies call for careful consideration of changes in the city's light industrial-zoned land base. In this case, the subject site is part of a relatively small and isolated pocket of LI-zoned land, and its existing principal use is not for industrial functions.

- B3. The proposed amendment addresses significantly changed conditions since the last time the pertinent Comprehensive Plan map or text was amended. See LUC 20.50.046 [below] for the definition of "significantly changed conditions"; and**

Significantly changed conditions are defined as: Demonstrating evidence of change such as unanticipated consequences of an adopted policy, or changed conditions on the subject property or its surrounding area, or changes related to the pertinent Plan map or text; where

such change has implications of a magnitude that need to be addressed for the Comprehensive Plan to function as an integrated whole. *This definition applies only to Part 20.30I Amendment and Review of the Comprehensive Plan (LUC 20.50.046).*

The proposal does address significantly changed conditions.

The North Bellevue Subarea Plan has not anticipated the area's land use designations and road infrastructure adapting from an industrial orientation to a developed and existing land use pattern that is predominantly non-industrial. Approving this amendment does not threaten other light industrially-designated land in the area.

The expansion of SR 520; a 2001 CPA to amend the Light Industrial designation on property to the northeast that had developed as multifamily; the proximity of the Kirkland TOD site as an indicator of changing access and land use patterns; and the repurposing of the BNSF rail corridor all speak to a pattern of adaptive land use changes whose effect together has not been anticipated by the North Bellevue Subarea Plan.

- B4. If a site-specific proposed amendment, the subject property is suitable for development in general conformance with adjacent land use and the surrounding development pattern, and with zoning standards under the potential zoning classifications; and**

The subject property is suitable for development in general conformance with adjacent land use and the surrounding development pattern, and with zoning standards under the potential zoning classifications.

There are steep slope critical areas on this site due to the adjacent rail corridor right-of-way (the railroad is higher than the property). Such critical areas must be accounted for in redevelopment. In assessing redevelopment potential staff's rough estimate is that up to 78,000 square feet of office could be built on this site. The existing complex has about 59,000 square feet of building. While office would potentially allow for more intensive use than is permitted by the Light Industrial zoning, traffic and other impacts would be analyzed and mitigated if additional development were proposed. At this time the property owner has not proposed expansion of the site's office uses.

- B5. The proposed amendment demonstrates a public benefit and enhances the public health, safety and welfare of the city.**

The proposal demonstrates a public benefit by aligning with policies for urban growth areas redevelopment, and by clarifying the relationship between this site's designation and its evolving use. It enhances the buffering function the site performs between residential to the northeast and non-residential to the southwest. It positions office uses and their workers within walking distance of future non-motorized use of the BNSF right-of-way. It therefore enhances the public health, safety and welfare of the city and its residents.

V. STATE ENVIRONMENTAL POLICY ACT

The Environmental Coordinator for the City of Bellevue has determined that this proposal will not result in any probable, significant adverse environmental impacts. A final threshold determination of non-significance (DNS) was issued on October 3, 2013.

VI. PUBLIC NOTICE AND COMMENT

Notice of the Application was published in the Weekly Permit Bulletin and in the Seattle Times on March 7, 2013. Notice of the Public Hearing before the Planning Commission was published in the Weekly Permit Bulletin and in the Seattle Times on October 3, 2013.

Pursuant to the requirements of the Growth Management Act, state agencies must be given 60 days to review and comment on proposed amendments to the Comprehensive Plan. A list of the 2013 amendments to the Bellevue Comprehensive Plan was provided to state agencies on October 4, 2013, for review.

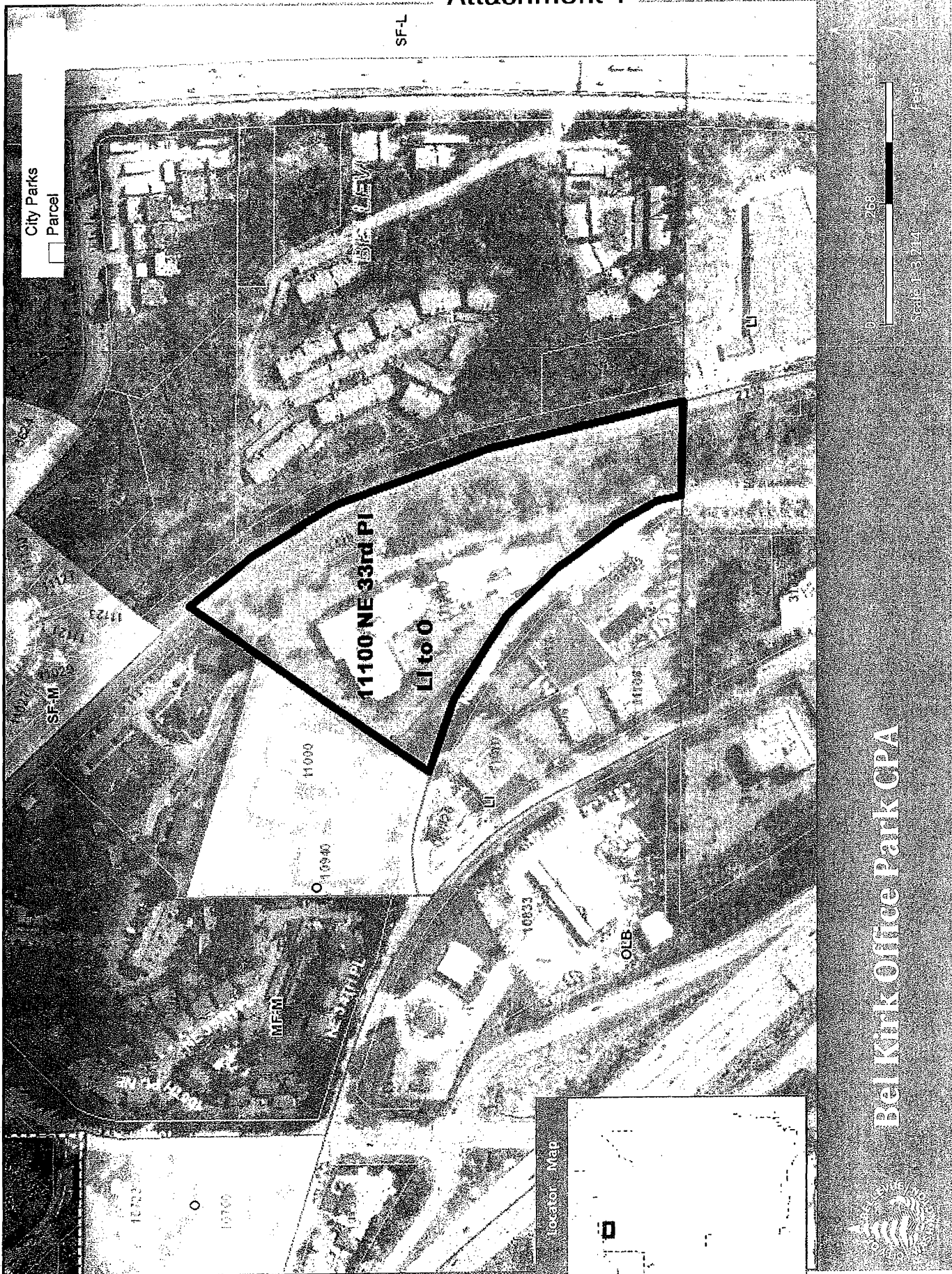
VII. NEXT STEPS

We request you conduct and close the public hearing, discuss the proposal, ask questions of staff, and make a recommendation.

VIII. ATTACHMENTS

1. Location map
2. Final Review Decision Criteria
3. Northwest Bellevue Subarea

Attachment 1



Bel Kirk Office Park CPA



The City of Bellevue does not guarantee that the information on this map is accurate or complete. This data is provided on an "as is" basis and disclaims all warranties.

Map Generated on: 03/18/2013

ATTACHMENT 2

20.30I.150 Final review decision criteria

The Planning Commission may recommend and the City Council may adopt or adopt with modifications an amendment to the Comprehensive Plan if:

- A. There exists obvious technical error in the pertinent Comprehensive Plan provision; or
- B. The following criteria have been met:

1. The proposed amendment is consistent with the Comprehensive Plan and other goals and policies of the City, the Countywide Planning Policies, the Growth Management Act and other applicable law; and
2. The proposed amendment addresses the interests and changed needs of the entire City as identified in its long-range planning and policy documents; and
3. The proposed amendment addresses significantly changed conditions since the last time the pertinent Comprehensive Plan map or text was amended. See LUC 20.50.046 for the definition of "Significantly Changed Conditions;" and

Significantly Changed Conditions Demonstrating evidence of change such as unanticipated consequences of an adopted policy, or changed conditions on the subject property or its surrounding area, or changes related to the pertinent plan map or text; where such change has implications of a magnitude that need to be addressed for the Comprehensive Plan to function as an integrated whole. This definition applies only to Part 20.30I LUC, Amendment and Review of the Comprehensive Plan.

4. If a site-specific proposed amendment, the subject property is suitable for development in general conformance with adjacent land use and the surrounding development pattern, and with zoning standards under the potential zoning classifications; and
5. The proposed amendment demonstrates a public benefit and enhances the public health, safety and welfare of the City.

(Ord. 5650, 1-3-06, § 2)

Attachment 3

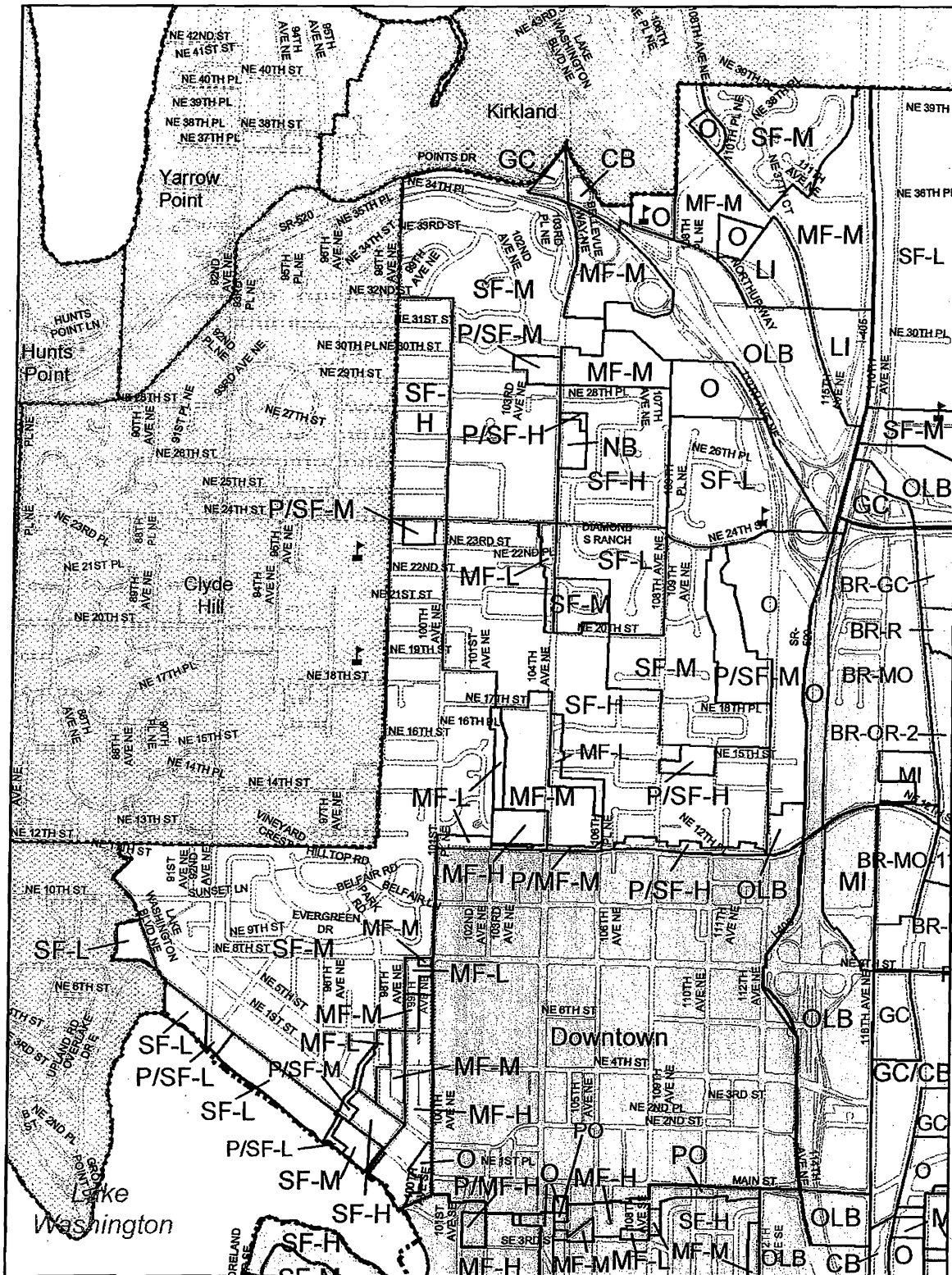


FIGURE S-NB.1
North Bellevue Land Use Plan

SF Single Family
MF Multi Family
-L Low Density
-M Medium Density
-H High Density
-UR Urban Residential

PO Professional Office
O Office
OLB Office, Limited Business
OLB-OS Office, Open Space
NB Neighborhood Business
CB Community Business

GC General Commercial
LI Light Industrial
PF Public Facility
P Park

▲ Fire Stations
⌚ Public Schools
--- Bellevue City Limits (2006)
Lakes



December 4, 2013

The Honorable Conrad Lee, Mayor
Honorable Council Members
City of Bellevue - 450 110th Ave NE
Bellevue, WA 98009

Subject: Tsai Comprehensive Plan Amendment

Dear Mayor Lee and Council Members:

Following are answers to several questions asked at last Monday's council study session on this matter.

1. Council asked which comprehensive plan policies the Planning Commission relied on to support their recommendation to approve the Tsai CPA. Among those cited were:
 - **Housing Policy-17:** *Encourage infill development of under-utilized sites that have adequate urban services."*
 - **Land Use Policy LU-9:** *"Maintain compatible use and design with the surrounding built environment."*
 - **Transportation Goal 2:** *"Reduce use of single occupancy vehicles by creating a land use pattern that allows for the use of alternative travel options."*

There was considerable discussion by the Planning Commission on these policies and the general question of consistency of this CPA with the comprehensive plan. The Commissioners concluded, unanimously, that the Tsai CPA is consistent with the Bellevue Comprehensive Plan. In my view the Tsai CPA is not merely consistent with adopted city policies, but constitutes a vivid illustration of what these policies look like on the ground.

2. Council received a letter dated December 1, 2013 from David Plummer citing a number of comprehensive plan policies with which he alleges the Tsai CPA are inconsistent. He also claims that the CPA does not comply with the Growth Management Act (GMA).

Mr. Plummer's allegations are almost verbatim what he argued to the Planning Commission in two letters, once at the threshold determination phase last spring, and again at the hearing on the merits this fall. Many of his allegations are unsupported conclusory statements or mis-characterizations of what the GMA

540 Dayton Street, #202 Edmonds WA 98101
E: joe@josephtovar-faicp.com

www.josephtovar-faicp.com
T: 425.263.2792

allows or requires. The rest are simply his opinion. While he is entitled to his opinion, it is an opinion with which your planning commissioners unanimously disagreed. Twice. We believe that the Planning Commission assigned appropriate weight to Mr. Plummer's comments and we would urge the Council to rely on the Commissioners' sound judgment.

3. A council member asked whether up-zoning this property would establish a precedent for other properties in the NE 8th Street Corridor. The answer is no. While the Council certainly has the prerogative to initiate area-wide changes as part of legislative review of the comprehensive plan, this is a quasi-judicial process focused on one specific property and its unique circumstances.

The Tsai parcel is distinguishable from other multifamily property along NE 8th for two key reasons. First, it does not abut any property that is planned, zoned, or developed as single-family. There is not even a direct line of sight between the Tsai property and any single-family neighborhood.

Second, the specific location and design of the existing improvements on the Tsai property means that an added increment of housing can be accommodated within the City's R30 design and dimensional standards and without major demolition. That's because the Tsai property (the Bellevue Apartments) was essentially "under-built" in 1993 due to the R20 density constraint of the 1990-era Office zone. That was not the case for the R 20 zoned and developed property to the west of the Tsai property, nor, to my knowledge, the case for other properties in the NE 8th Street corridor.

My clients and I thank you for considering these responses and will be present at your meeting this coming Monday if you have questions for us. We respectfully request your favorable action.

Sincerely,



Joseph W. Tovar, FAICP

cc Ms. Fannie Tsai
Ms. Nina Tsai McKay

540 Dayton Street, #202 Edmonds WA 98101
E: joe@josephtovar-faicp.com

www.josephtovar-faicp.com
T: 425.263.2792

December 4, 2013

Bellevue City Council
450 110th Ave. NE
Bellevue, WA 98009

Dear Mayor Conrad Lee and Bellevue City Councilmembers:

Our family business, Tsai, LLC, owns the Bellevue Heights Apartments at 13902 NE 8th Street at 140th Avenue North East. We are the applicants for the proposed Comprehensive Plan Amendment to change the designation for this property from "Office" to "Multifamily High Density." We have also made a concurrent application to have the property rezoned from "Office" to R30.

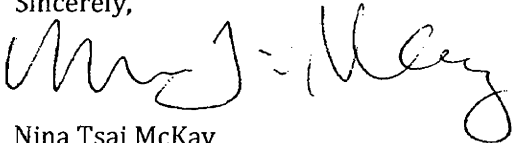
We have owned this property since 1990 and my parents have been Bellevue residents for over 14 years. These apartments are the main focus of our family business. We are happy to say that the steady growth in Bellevue has made our investment a successful one. We also feel the quality and tasteful design of the building and landscaping have contributed to keeping the apartment rented to capacity over the years. More recently, the rising demand for housing in the area has brought multiple applicants for any vacating units.

Our immediate neighboring property owners have not expressed any concerns with our application. We feel we maintain good relations with them, granting access easements and sharing driveways onto NE 8th Street and 140th Avenue NE along the west and north of our property.

Our intent is to consider adding up to 15 additional apartments, although 8-12 additional units is more realistic. Conceptually, we know that there is room to accommodate more units within the height, setback, parking and other requirements of the City's code for R30 zoning. However, we have not yet moved forward to draw up detailed building and site plans as we are awaiting the decision from this application. If we are able to move forward, please know we will approach our new designs with the same integrity as we have in the past, with hopes of continuing our business in Bellevue for the coming years.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Nina Tsai McKay". The signature is fluid and cursive, with the first name "Nina" being more prominent.

Nina Tsai McKay
Partner
Tsai, LLC

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6144

AN ORDINANCE relating to the Comprehensive Plan of the City of Bellevue, as required and adopted pursuant to the Growth Management Act of 1990, as amended (Chapter 36.70A RCW); and as adopted pursuant to Chapter 35A.63 RCW, adopting the Bellevue Apartments (12-132257 AC) 2013 amendment to the Comprehensive Plan, and establishing an effective date.

WHEREAS, the City Council adopted the Comprehensive Plan of the City of Bellevue on December 6, 1993 as subsequently amended, as required by the Growth Management Act of 1990, as amended (Chapter 36.70A RCW); and also adopted the Comprehensive Plan pursuant to Chapter 35A.63 RCW; and

WHEREAS, the Growth Management Act authorizes the City to, among other things, amend the Comprehensive Plan on an annual basis; and

WHEREAS, a privately-initiated Comprehensive Plan Amendment (CPA) proposal to amend the Wilburton/NE 8th St. Subarea Plan map from Office (PO) to Multifamily-High (MF-H) at 13902 NE 8th Street ("the Bellevue Apartments CPA") was submitted for consideration with the 2013 annual Comprehensive Plan amendments; and

WHEREAS, the Planning Commission has held public meetings and a public hearing pursuant to legally-required notice on the proposed amendments to the Comprehensive Plan and has recommended approval of the Bellevue Apartments CPA to the City Council; and

WHEREAS, the City Council has considered and discussed the proposed annual amendment to the Comprehensive Plan and the proposed Bellevue Apartments CPA; and

WHEREAS, the City of Bellevue has complied with the requirements of the State Environmental Policy Act (Chapter 43.21C RCW) and the City Environmental Procedures Code (Chapter 22.02 BCC); and

WHEREAS, the City Council desires to amend the Comprehensive Plan consistent with the foregoing; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES
ORDAIN AS FOLLOWS:

Section 1. The Wilburton/NE 8th Street Subarea Plan map included as Attachment A to this ordinance which contains the proposed change to the land use designation of the property located at 13902 NE 8th Street from Office (O) to Multifamily-High (MF-H) is hereby adopted.

Section 2. The City Council finds that the 2013 Bellevue Apartments CPA proposal to amend the Comprehensive Plan has met the Comprehensive Plan amendment decision criteria contained in the Land Use Code (Part 20.30I); that the amendment is consistent with the Comprehensive Plan and other goals and policies of the city; that the amendment addresses the interests and changed needs of the entire city as identified in its long-range planning and policy documents; that the amendment addresses significantly changed conditions since the last time the pertinent Comprehensive Plan map or text was considered; that if a site-specific amendment, the subject property is suitable for development in general conformance with adjacent land use, the surrounding development pattern, and with zoning standards under the potential zoning classifications; and that the proposed amendment demonstrates a public benefit and enhance the public health, safety and welfare of the city.

Section 3. The City Council finds that public notice was provided for all 2013 amendments to the Comprehensive Plan as required by LUC 20.35.400 for Process IV amendments to the text of the Land Use Code and Comprehensive Plan.

Section 4. The Comprehensive Plan adopted pursuant to Chapter 35A.63 RCW, to the same extent and in the same respect as the Comprehensive Plan required by the Growth Management Act of 1990, as amended, is amended consistent with this ordinance.

Section 5. This ordinance shall take effect and be in force five days after its passage and legal publication. This ordinance and the Comprehensive Plan shall be available for public inspection in the office of the City Clerk

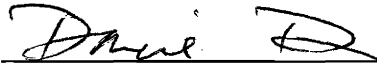
Passed by the City Council this _____ day of _____, 2013
and signed in authentication of its passage this _____ day of _____,
2013.

(SEAL)

Conrad Lee, Mayor

Approved as to form:

Lori M. Riordan, City Attorney



Darcie Durr, Assistant City Attorney

Attest:

Myrna L. Basich, City Clerk

Published _____

ATTACHMENT A

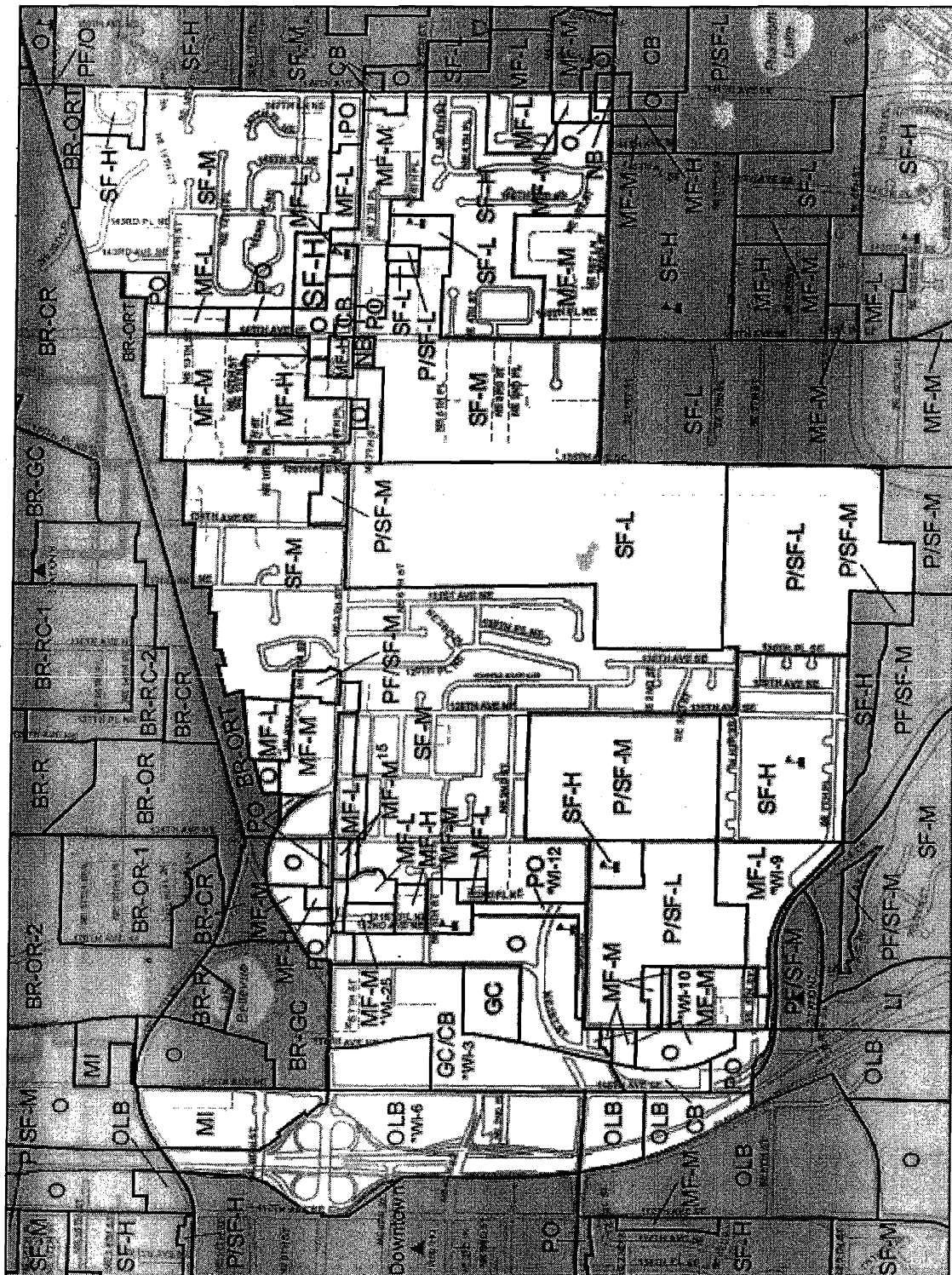


FIGURE S-WI.1
Wilburton/NE8th Land Use Plan

SF Single Family
MF Multi Family
-L Low Density
-M Medium Density
-H High Density
-UR Urban Residential

PO Professional Office
O Office
OLB Office, Limited Business
OLB-OS Office, Open Space
NB Neighborhood Business
CB Community Business

GC General Commercial
LI Light Industrial
PF Public Facility
P Park

*R-15 Density Limit
▲ Fire Stations
+ Public Schools
— Bellevue City Limits (2012)
■ Lakes

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6145

AN ORDINANCE relating to the Comprehensive Plan of the City of Bellevue, as required and adopted pursuant to the Growth Management Act of 1990, as amended (Chapter 36.70A RCW); and as adopted pursuant to Chapter 35A.63 RCW, adopting the Bel-Kirk Office Park (13-106131 AC) 2013 amendment to the Comprehensive Plan, and establishing an effective date.

WHEREAS, the City Council adopted the Comprehensive Plan of the City of Bellevue on December 6, 1993, as subsequently amended, as required by the Growth Management Act of 1990, as amended; and also adopted the Comprehensive Plan pursuant to Chapter 35A.63 RCW; and

WHEREAS, the Growth Management Act authorizes the City to, among other things, amend the Comprehensive Plan on an annual basis; and

WHEREAS, a privately-initiated Comprehensive Plan Amendment (CPA) proposal to amend the North Bellevue Subarea Plan map from Light Industrial (LI) to Office (O) (the "Bel-Kirk Office Park CPA") was submitted for consideration with the 2013 annual Comprehensive Plan amendments; and

WHEREAS, the Planning Commission has held public meetings and a public hearing pursuant to legally-required notice on the proposed amendments to the Comprehensive Plan and has recommended approval to the City Council; and

WHEREAS, the City Council has considered and discussed the proposed annual amendment to the Comprehensive Plan and the proposed Bel-Kirk Office Park CPA; and

WHEREAS, the City of Bellevue has complied with the requirements of the State Environmental Policy Act (Chapter 43.21C RCW) and the City Environmental Procedures Code (Chapter 22.02 BMC); and

WHEREAS, the City Council desires to amend the Comprehensive Plan consistent with the foregoing; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES
ORDAIN AS FOLLOWS:

Section 1. The North Bellevue Subarea Plan map included as Attachment A to this ordinance, which contains the proposed change to the land use designation of the property located at 11100 NE 33rd Place, is hereby adopted.

Section 2. The City Council finds that the 2013 Bel-Kirk Office Park CPA proposal to amend the Comprehensive Plan has met the Comprehensive Plan amendment decision criteria contained in the Land Use Code (Part 20.30I); that the

amendment is consistent with the Comprehensive Plan and other goals and policies of the City that the amendment addresses the interests and changed needs of the entire city as identified in its long-range planning and policy documents; that the amendment addresses significantly changed conditions since the last time the pertinent Comprehensive Plan map or text was considered; that as a site-specific amendment, the subject property is suitable for development in general conformance with adjacent land use, the surrounding development pattern, and with zoning standards under the potential zoning classifications; and that the proposed amendment demonstrates a public benefit and enhance the public health, safety and welfare of the city.

Section 3. The City Council finds that public notice was provided for all 2013 amendments to the Comprehensive Plan as required by LUC 20.35.400 for Process IV amendments to the text of the Land Use Code and Comprehensive Plan.

Section 4. The Comprehensive Plan adopted pursuant to Chapter 35A.63 RCW, to the same extent and in the same respect as the Comprehensive Plan required by the Growth Management Act of 1990, as amended, is amended consistent with this ordinance.

Section 5. This ordinance shall take effect and be in force five days after its passage and legal publication. This ordinance and the Comprehensive Plan shall be available for public inspection in the office of the City Clerk.

Passed by the City Council this _____ day of _____, 2013
and signed in authentication of its passage this _____ day of _____,
2013.

(SEAL)

Conrad Lee, Mayor

Approved as to form:

Lori M. Riordan, City Attorney



Darcie Durr, Assistant City Attorney

Attest:

Myrna L. Basich, City Clerk

Published _____

ATTACHMENT A

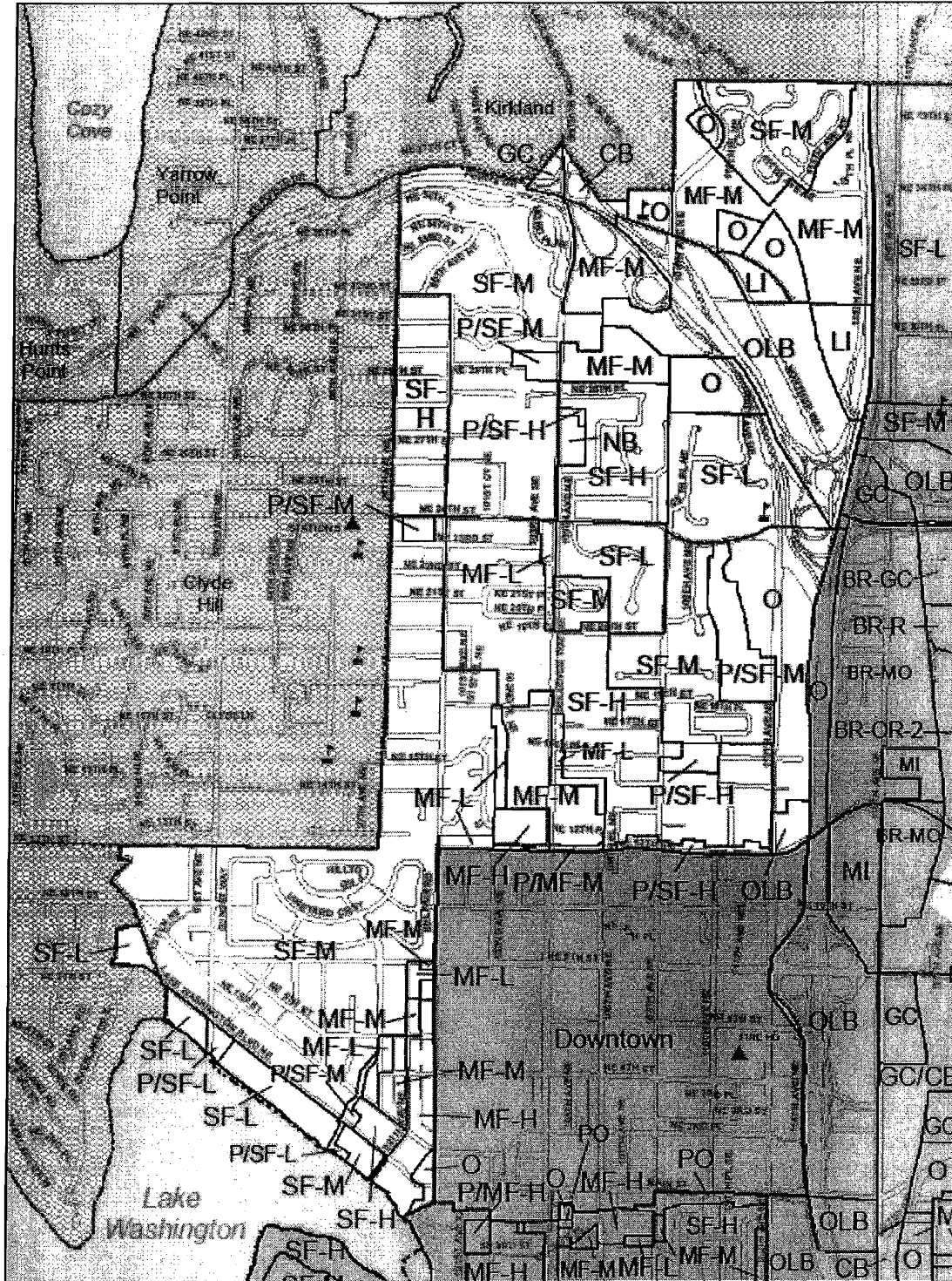


FIGURE S-NB.1
North Bellevue Land Use Plan

SF Single Family
MF Multi-Family
-L Low Density
-M Medium Density
-H High Density
-UR Urban Residential

PO Professional Office
O Office
OLB Office, Limited Business
OLB-OS Office, Open Space
NB Neighborhood Business
CB Community Business

GC General Commercial
LI Light Industrial
PF Public Facility
P Park

▲ Fire Stations
Public Schools
--- Bellevue City Limits (2012)
Lakes

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6144

AN ORDINANCE relating to the Comprehensive Plan of the City of Bellevue, as required and adopted pursuant to the Growth Management Act of 1990, as amended (Chapter 36.70A RCW); and as adopted pursuant to Chapter 35A.63 RCW, adopting the 2013 amendments to the Comprehensive Plan as separately set forth in Ordinance Nos. 6144 and 6145, and establishing an effective date.

WHEREAS, the City Council adopted the Comprehensive Plan of the City of Bellevue on December 6, 1993 as subsequently amended, as required by the Growth Management Act of 1990, as amended; and also adopted the Comprehensive Plan pursuant to Chapter 35A.63 RCW; and

WHEREAS, the Growth Management Act authorizes the City to, among other things, amend the Comprehensive Plan on an annual basis; and

WHEREAS, the Planning Commission has held public meetings and a public hearing pursuant to legally-required notice on the proposed amendments to the Comprehensive Plan and has recommended approval of the amendments to the City Council; and

WHEREAS, the City Council has considered and discussed the proposed annual amendment to the Comprehensive Plan; and

WHEREAS, the City Council has considered each of the 2013 Comprehensive Plan amendments concurrently; and

WHEREAS, the City of Bellevue has complied with the requirements of the State Environmental Policy Act (Chapter 43.21C RCW) and the City Environmental Procedures Code (Chapter 22.02 BCC); and

WHEREAS, the City Council desires to amend the Comprehensive Plan consistent with the foregoing; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES
HEREBY ORDAIN AS FOLLOWS:

Section 1. The City Council hereby adopts the 2013 amendments to the Comprehensive Plan as separately set forth in Ordinance Nos. 6144, and 6145

Section 2. The City Council finds that the 2013 amendments to the Comprehensive Plan have met the Comprehensive Plan amendment decision criteria contained in the Land Use Code (Part 20.30I); that the amendments are consistent with the Comprehensive Plan and other goals and policies of the city; that the amendments address the interests and changed needs of the entire city as identified in its long-range planning and policy documents; that the amendments address significantly changed conditions since the last time the pertinent Comprehensive Plan map or text was considered; that the subject properties are suitable for development in general conformance with adjacent land use, the surrounding development pattern, and with zoning standards under the potential zoning classifications; and that the proposed amendments demonstrate a public benefit and enhance the public health, safety and welfare of the city.

Section 3. The City Council finds that public notice was provided for all 2013 amendments to the Comprehensive Plan as required by LUC 20.35.400 for Process IV amendments to the text of the Land Use Code and Comprehensive Plan.

Section 4. The Comprehensive Plan adopted pursuant to Chapter 35A.63 RCW, to the same extent and in the same respect as the Comprehensive Plan required by the Growth Management Act of 1990, as amended, is amended consistent with Section 1 of this ordinance and the separate ordinances referenced therein.

Section 5. This ordinance shall take effect and be in force five days after its passage and legal publication. This ordinance and the Comprehensive Plan shall be available for public inspection in the office of the City Clerk.

Passed by the City Council this ____ day of _____, 2013, and signed in authentication of its passage this ____ day of _____, 2013.

(SEAL)

Conrad Lee, Mayor

Approved as to form:

Lori M. Riordan, City Attorney



Darcie Durr, Assistant City Attorney

Attest:

Myrna L. Basich, City Clerk

Published: _____